

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
JOHN FREDERICK,	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 04-10066-WGY
	)	
SKILLSOFT CORPORATION,	)	
Defendant	)	
_____	)	

JOINT STATEMENT

Pursuant to the Notice of Scheduling Conference, Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, both parties respectfully submit this Joint Statement in advance of the scheduling conference set for April 5, 2004.

I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT THE SCHEDULING CONFERENCE

The parties propose that the court address the following topics:

A. Plaintiff's Settlement Proposal

Pursuant to Local Rule 16.1(c), counsel for the Plaintiff delivered a settlement proposal to counsel for the Defendant on April 2, 2004.

B. Proposed Pretrial Schedule

The parties submit the proposed pretrial schedule detailed in Section II, below.

C. Mediation/Arbitration Dispute Resolution

The parties agree the mediation/ADR may be useful following discovery in this matter and will revisit the issue of mediation/ADR as the case progresses.

D. Trial by Magistrate Judge

Plaintiff would not consent to a trial conducted by a Magistrate Judge. Defendant does not consent to a trial conducted by a Magistrate Judge at this time.

## II. PROPOSED PRETRIAL SCHEDULE

### A. Initial Discovery

The Parties' Initial Disclosures were served on April 2, 2004.

### B. Modification to Discovery Event Limitations

The parties agree discovery shall be conducted by the limitations set forth in Local Rule 26.1(c). The parties reserve the right to seek leave of court to conduct additional discovery pursuant to Local Rule 26.2(B).

### C. Proposed Discovery and Motion Schedule

#### 1. Discovery

The Parties are in agreement that all discovery must be completed by October 1, 2004. Proponents must identify expert witnesses on or before June 1, 2004. Rebuttal witnesses must be identified on or before July 1, 2004.

#### 2. Dispositive Motions

Any dispositive motions must be filed and served by November 1, 2004. Oppositions to such motions shall be filed and served within thirty (30) days and reply memorandum shall be filed and served within fourteen (14) days after the filing of any opposition.

#### 3. Final Pre-Trial Conference

The parties will be prepared to meet with the Court to discuss scheduling trial of this matter in February 1, 2005, in accordance with Local Rule 16.1(f)(9).

## III. CERTIFICATION OF COUNSEL AND THE PARTIES

Pursuant to Local Rule 16.1(d), the required certifications of counsel and the parties that they conferred with respect to the matters set forth in that rule are filed concurrent with this Joint Statement.

Respectfully submitted this 2<sup>nd</sup> day of April, 2004.

THE PLAINTIFF  
JOHN FREDERICK  
By his attorney,

/s/  
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THE DEFENDANT  
SKILLSOFT CORPORATION  
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/s/  
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